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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/392,841	09/09/1999	SCOTT J. BROUSSARD	AT9-99-319	1862

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DUKE W. YEE
CARSTENS, YEE & CAHOON, L.L.P.
P.O. BOX 802334
DALLAS, TX 75380

EXAMINER

QURESHI, SHABANA

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 01/14/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

P26

Office Action Summary

Application No.

09/392,841

Applicant(s)

BROUSSARD, SCOTT J.

Examiner

Shabana Qureshi

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. In the Applicant's arguments filed on November 29, 2003, the Applicant argues in substance that Goetz does not teach or suggest a display environment variable, an audio environment variable, or an audio command line parameter.

In reply, Goetz explicitly shows the display environment variable, an audio environment variable, and an audio command line parameter as claimed (see column 11, lines 15-48). Goetz clearly teaches the parameters including a port number as disclosed by the Applicant's specification (page 17, lines 1-19), and claimed by the Applicant.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(x) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-2, 4-6, 8-11, 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz et al., USPN 5,928,330 (hereafter referred to as Goetz) in view of Slaughter et al., USPN 6,202,147 B1 (hereafter referred to as Slaughter).

Regarding claim 1, Goetz taught a method for a distributed audio server (abstract), the method comprising the computer implemented steps of:

- Generating audio data and graphic data in a platform-independent application (column 9, line 31-35, column 11, lines 2-8);

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- Sending the graphic data to a display server on a client machine specified by a display environment variable (column 11, lines 15-48, column 1, lines 61-65); and
- Sending the audio data to an audio server on the client machine specified by an audio environment variable or an audio command line parameter (column 11, lines 15-48, column 1, lines 61-65).

Goetz does not specifically teach the audio server is a platform-independent audio server. However, Slaughter taught a platform-independent device server (column 3, line 66 - column 4, line 8). It would have been obvious to one of ordinary skill in the art at the time the invention was made that incorporating Slaughter's platform independent device server in Goetz's distributed multimedia system would have improved system effectiveness. The motivation would have been to provide even greater support for the diverse capabilities associated with the different available platforms.

Regarding dependent claim 2, Slaughter taught platform-independence implemented in the Java programming language (column 4, lines 48-53).

Regarding claim 4, Goetz taught a method of a distributed audio server (abstract), the method comprising computer-implemented steps of:

- Generating audio data in platform-independent application (column 9, line 31-35, column 11, lines 2-8);

In response to receiving audio data at an audio driver, determining whether and audio environment variable is defined or an audio command line parameter is defined (column 11, lines 15-48; column 12, lines 27-34, column 1, lines 61-65); and

If an audio environment variable or an audio command line parameter is defined, sending the audio data to an audio server on a client machine specified by the audio environment variable or by the audio command line parameter (column 11, lines 15-48; column 12, lines 27-34, column 1, lines 61-65). For motivation for combination see claim 1, above.

Regarding dependent claim 5, Goetz taught further comprising: Generating graphic data in the platform-independent application (column 9, line 31-35, column 11, lines 2-8); and

Sending the graphic data to a display server on the client machine specified by a display environment variable (column 11, lines 27-34, column 1, lines 61-65).

Regarding dependent claim 6, Slaughter the platform-independence implemented in the Java programming language (column 4, lines 48-53).

Regarding dependent claim 8, Goetz taught the graphic data and the audio data are synchronized (column 1, line 65 - column 2, line 5).

Regarding claim 9, Goetz taught a data processing system for a distributed audio server (abstract), the data processing system comprising:

First generating means for generating audio data in a platform-independent application (column 9, line 31-35, column 11, lines 2-8);

Determining means for determining, in response to receiving audio data at an audio driver, whether an audio environment variable or an audio command line parameter is defined (column 11, lines 15-48; column 12, lines 27-34, column 1, lines 61-65); and

First sending means for sending, in response to a determination that an audio environment variable or an audio command line parameter is defined, the audio data to a platform-independent audio server on a client machine specified by the audio environment

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variable or by the command line parameter (column 11, lines 15-48; column 12, lines 27-34, column 1, lines 61-65). For motivation for combination see claim 1, above.

Regarding dependent claim 10, Goetz taught second generating means for generating graphic data in the platform-independent application (column 9, lines 31-35, column 11, lines 2-8); and

Second sending means for sending the graphic data to a display server on the -client machine specified by a display environment variable (column 11, lines 15-48; column 12, lines 27-34, column 1, lines 61-65).

Regarding dependent claim 11, Slaughter taught the platform-independence is implemented in the Java programming language (column 4, lines 48-53).

Regarding dependent claim 13, Goetz taught the graphic data and the audio data are synchronized (column 1, line 65 - column 2, line 5).

Regarding claim 14, Goetz taught a computer program product on a computer readable medium for use in a data processing system for a distributed audio server (abstract), the computer program product comprising:

Instructions for generating audio data and graphic data in a platform independent application (column 9, lines 31-35, column 11, lines 2-8);

Instructions for sending the graphic data to a display server on a client machine specified by a display environment variable (column 11, lines 15-48; column 12, lines 27-34, column 1, lines 61-65); and

Instructions for sending the audio data to a platform independent audio server on the client machine specified by an audio environment variable or by an audio command line

parameter (column 11, lines 15-48; column 12, lines 27-34, column 1, lines 61-65). For motivation for combination see claim 1, above.

Regarding dependent claim 15, Slaughter taught platform-independence is implemented in the Java programming language (column 4, lines 48-53).

4. Claims 3, 7, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goetz and Slaughter as applied to claims above, and further in view of Semenzato, USPN 5,903,728 (hereafter referred to as Semenzato).

Regarding dependent claim 3, Goetz does not specifically teach the display server is an X Windows display server. However, Semenzato taught the display server is an X Windows display server (column 8, lines 56-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made that substituting Semenzato's X Windows display server for Goetz's display server would have been an equivalent substitution. The motivation would have been because X Windows is one many different environments which could implement a distributed multimedia system.

5. Claims 7, 12 and 16 are rejected on the same rationale.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shabana Qureshi whose telephone number is (703) 308-6118. The examiner can normally be reached on Monday - Friday, 8:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Shabana Qureshi
Examiner
Art Unit 2155

12 January 2004


ZARNI MAUNG
PRIMARY EXAMINER